

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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WELLS FARGO BANK, N.A., as trustee  
for Option One Mortgage Loan Trust  
2007-5 Asset-Backed Certificates, Series  
2007-5,

Plaintiff,

v.

FIDELITY NATIONAL TITLE  
INSURANCE COMPANY,

Defendant.

Case No. 3:19-cv-00241-MMD-CSD

## ORDER

This is a title insurance coverage and bad faith action arising from the sale of a house at a homeowners' association ("HOA") foreclosure sale. Plaintiff Wells Fargo Bank, N.A., brought this action against Defendant Fidelity National Title Insurance Company for declaratory relief, breach of contract, breach of the implied covenant of good faith and fair dealing, violation of Nevada's Deceptive Trade Practices Act, and violation of NRS § 686A.310, generally challenging Defendant's decision not to cover a claim that Wells Fargo submitted to Fidelity. (ECF No. 25 (First Amended Complaint ("FAC")).) Before the Court are the parties' motions for reconsideration of a prior order (ECF No. 52 ("Prior Order")) the Court issued in this case. (ECF Nos. 54, 57.)<sup>1</sup> Because the parties merely re-urge arguments the Court considered and rejected in the Prior Order—and as further explained below—the Court will deny both motions.

Fidelity seeks reconsideration of the Court's decision in the Prior Order that the CLTA 100(1)(a) endorsement covers Wells Fargo's loss, arguing that "the HOA liens at issue were created solely by statute, not the CC&Rs." (ECF No. 54 at 3.) Wells Fargo

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<sup>1</sup>The Court also reviewed the parties' responses and replies. (ECF Nos. 56, 59, 61, 65.)

1 opposes Fidelity's motion (ECF No. 56) and seeks reconsideration of the Court's decision  
2 in the Prior Order that the CLTA 100(2)(a) endorsement does not cover Wells Fargo's  
3 loss (ECF No. 57 at 10-13). Fidelity opposes Wells Fargo's motion. (ECF No. 61.)

4 As both sides are quick to point out about the other side's motion (ECF Nos. 56 at  
5 1-9, 61 at 2),<sup>2</sup> the parties' pending motions consist of nothing more than arguments that  
6 the Court considered and ultimately found unpersuasive in the Prior Order (ECF Nos. 26  
7 at 15 ("Only the statute created the super-priority status of the foreclosed lien."), 29 at 15-  
8 16 (making the same argument Wells Fargo raises in its motion for reconsideration)).  
9 Merely reasserting arguments the Court already rejected does not satisfy the  
10 reconsideration standard. See *Nunes*, 375 F.3d at 808; see also *Brown v. Kinross Gold*,  
11 *U.S.A.*, 378 F. Supp. 2d 1280, 1288 (D. Nev. 2005) ("A motion for reconsideration is not  
12 an avenue to re-litigate the same issues and arguments upon which the court already has  
13 ruled.") (citation omitted). The Court does not find it clearly erred in its Prior Order, or that  
14 manifest injustice will result from it. See *Nunes*, 375 F.3d at 807-08. The Court accordingly  
15 denies both pending motions for reconsideration.

16 The Court notes that the parties made several arguments and cited to several  
17 cases not discussed above. The Court has reviewed these arguments and cases and  
18 determines that they do not warrant discussion as they do not affect the outcome of the  
19 motions before the Court.

20 It is therefore ordered that Fidelity's motion for reconsideration (ECF No. 54) is  
21 denied.

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25 <sup>2</sup>"Reconsideration is appropriate if the district court (1) is presented with newly  
26 discovered evidence, (2) committed clear error or the initial decision was manifestly  
27 unjust, or (3) if there is an intervening change in controlling law." *Nunes v. Ashcroft*, 375  
28 F.3d 805, 807-08 (9th Cir. 2004) (quoting *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255,  
1263 (9th Cir.1993), *cert. denied*, 512 U.S. 1236 (1994)). Here, neither side argues that  
reconsideration is warranted because of newly discovered evidence or an intervening  
change in controlling law. (ECF Nos. 54, 57.) The parties instead argue the Court either  
clearly erred or manifest injustice will result from the Prior Order. (*Id.*)

1 It is further ordered that Wells Fargo's counter motion for reconsideration (ECF No.  
2 57) is denied.

3 DATED THIS 10<sup>th</sup> Day of February 2023.

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6 MIRANDA M. DU  
7 CHIEF UNITED STATES DISTRICT JUDGE  
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